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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,119	07/10/2003	Rudolf Weiss	WEISS, R ET AL 1	3441
25889	7590	07/14/2005	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/617,119

**Applicant(s)**

WEISS ET AL.

**Examiner**

Victor MacArthur

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-10, 12 and 14-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-10, 12 and 14-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2005 has been entered.

### ***Drawings***

The drawings received on 5/2/2005 are acceptable for the purposes of examination.

### ***Claim Objections***

Claims 7 and 14 are objected to because of the following informalities:

- The limitation "the clamping effect" (line 11 of claim 7; and line 16 of claim 14) lacks proper antecedent basis and should be replaced with --a clamping effect--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullenberg (U.S. Patent 4,268,185).

Claim 7. Mullenberg discloses (fig.4) a shaft-hub connection comprising: an attachment flange (left 55) having a hub-sleeve element (hub-sleeve portion of left 55) with a conical region (conical region of left 55); a clamping element (right 55) which is attachable to the attachment flange and by means of which a shaft end (2) assigned to the attachment flange is connectable by frictional connection to the attachment flange; and a bushing (44) positioned between the hub-sleeve element and the shaft end to take up a slip torque and designed in multiple parts in its axial direction, wherein the hub-sleeve element is under the clamping effect of the clamping element, and wherein the level of the slip torque which is to be taken by the bushing can be preset (e.g. by tightening 5').

Claim 8. Mullenberg discloses that the clamping element is a clamping ring.

Claim 12. Mullenberg discloses that the hub-sleeve element is implemented in one piece with the attachment flange and extends **essentially** (though not necessarily completely) over the length of the bushing.

Claim 14. Mullenberg discloses (fig.4) a shaft-hub connection comprising: an attachment flange (left 55); a clamping element (right 55) which is attachable to the attachment flange and by means of which a shaft end (2) assigned to the attachment flange is connectable by frictional connection to the attachment flange; a hub-sleeve element (1, inner 55) which is implemented in multiple parts, with a first part (inner 55) having a conical region (conical inner surface region of left 55) and being implemented in one piece with the attachment flange and another part (1)

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being assigned as a sleeve-shaped hub core to the shaft end; and a bushing (44, 41) positioned between the first part of the hub-sleeve element and the another part of the hub-sleeve element to take up a slip torque and designed in multiple parts in its axial direction; wherein the hub-sleeve element is under the clamping effect of the clamping element; and wherein the level of the slip torque which is to be taken by the bushing can be preset (e.g. by tightening/loosening 5').

Claim 15. Peter discloses that the clamping element is a clamping ring.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullenberg (U.S. Patent 4,268,185) in view of Clifton (U.S. Patent 5,599,129).

Claims 9 and 16. Mullenberg discloses that the bushing and shaft should be metal (hatching denotes metal, see MPEP § 608.02) but does not expressly disclose what type of metal. Clifton teaches (col.4, ll.50-55) that bronze materials are desirable for bearings used with steel shafts. It has generally been recognized that selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use a bronze material to construct

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the bushing of Mullenberg, since such practice is a design consideration within the skill of the art.

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullenberg (U.S. Patent 4,268,185) in view of Richardson (U.S. Patent 5,970,932).

Claims 10 and 17. Mullenberg discloses that the bushing has inner and outer sliding surfaces. Mullenberg teaches that the bushings are metal (hatching denotes metal, see MPEP § 608.02) but does not specify what type of metal should be used. Richardson teaches (col.2, ll.2, ll.8-13) that oil impregnated bronze bushings are desirable since such bushings have high wear resistance. The oil impregnated bronze bushings have a sliding film (oil) on all of its surfaces. It has generally been recognized that selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make the Mullenberg bushings from an oil impregnated bronze since oil impregnated bronze has a high wear resistance.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

  
VLM  
July 6, 2005



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



2/2

Acceptable  
per  
7/6/05

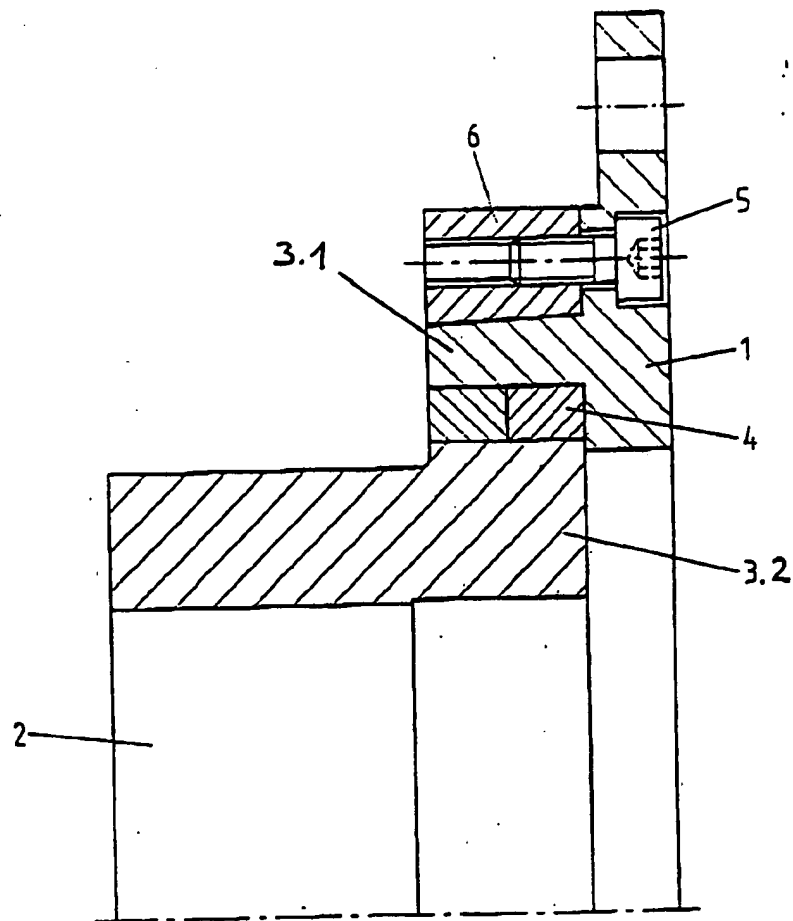


Fig.2